

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

STEVEN B. WEBB and ERIN WEBB,	)	
	)	
Plaintiff,	)	
v.	)	No. 3:13-CV-721-TAV-CCS
	)	
WELLS FARGO BANK, N.A., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court are Plaintiffs' Motion for Permission to Issue Alias Summonses [Doc. 28] and Plaintiffs' Motion for Enlargement of Time to Issue Alias Summonses and Secure Service of Process [Doc. 33].

The Plaintiffs' Motion for Permission to Issue Alias Summonses [Doc. 28] was filed on June 3, 2014. Therein, the Plaintiffs move the Court to permit them to issue to alias summonses in this case for Carey Stewart and Marquand-Castle Insurance Group. Local Rule 7.1 affords fourteen (14) days in which to file a responsive brief, in addition to the time added by Rule 5 of the Federal Rules of Civil Procedure. Because the Motion for Permission to Issue Alias Summonses was not agreed, the Court awaited the expiration of the briefing period.

During this period, the Plaintiffs filed their Motion for Enlargement of Time to Issue Alias Summonses and Secure Service of Process [Doc. 33], in which they moved the Court for additional time to issue the requested alias summonses at issue. The Plaintiffs noted that the 120 days for service under Rule 4 would expire on or about June 21, 2014, and thus, they moved the

Court to extend their time for serving alias summonses to twenty (20) days from the date on which an Order is entered ruling on their Motion for Permission to Issue Alias Summonses.

No party or third party has filed a response in opposition to the Plaintiffs' initial Motion for Permission to Issue Alias Summonses, and the time for doing so has expired, see E.D. Tenn. L.R. 7.1. The Court may treat this failure to respond as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2. The Motion for Enlargement was filed June 16, 2014, and thus, the period for briefing this motion under Local Rule 7.1 has not yet expired. However, under the circumstances the Court finds good cause supports taking this request under consideration at this time. See E.D. Tenn. L.R. 7.1(a).

The Court has reviewed the Plaintiffs' filings and considered the procedural posture of this case, and the Court finds that the request to issue alias summonses within twenty days of this Order is well-taken. Accordingly, the Plaintiffs' Motion for Permission to Issue Alias Summonses [**Doc. 28**] and Plaintiffs' Motion for Enlargement of Time to Issue Alias Summonses and Secure Service of Process [**Doc. 33**] are **GRANTED**. The Plaintiffs may serve the alias summonses requested on Carey Stewart and Marquand-Castle Insurance Group on or before **July 16, 2014**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge